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EXAMINER

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* AMITABH K. SINGHAL, VIRESH RATNAKAR,  
MAXIM LIFANTSEV, and JOSEPH KIERAN O’SULLIVAN

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Appeal 2011-004707  
Application 10/949,708  
Technology Center 2100

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Before MAHSHID D. SAADAT, BRUCE R. WINSOR, and  
CATHERINE SHIANG, *Administrative Patent Judges*.

SHIANG, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from the Examiner’s final rejection of claims 1-17 and 24-52. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

## STATEMENT OF THE CASE

The present invention relates to presentation of documents as search results based on the structure of the documents. *See generally* Spec. 1.

Claim 1 is illustrative:

1. A method performed by one or more server devices, the method comprising:

identifying, by a processor of the one or more server devices, a document relating to a search term, the document comprising a plurality of structural elements;

locating, by a processor of the one or more server devices, occurrences of the search term in the document;

grouping, by a processor of the one or more server devices, the occurrences located in the document into at least one cluster, the grouping being based on relative locations of the occurrences of the search term;

identifying, by a processor of the one or more server devices, one of the structural elements encompassing the at least one cluster; and

presenting, by a processor of the one or more server devices, information associated with one of the identified structural elements.

## THE REJECTIONS

Claims 1-17, 24-35, 38-48, 51, and 52 are rejected under 35 U.S.C. § 103(a) as being obvious over Caid (US 5,619,709), and Dowling (US 7,107,536 B1). *See* Ans. 3-32.

Claims 36, 37, 49, and 50 are rejected under 35 U.S.C. § 103(a) as being obvious over Caid, Dowling, and Oommen (US 7,508,935 B2). *See* Ans. 32-37.

## ISSUE

Based on Appellants' arguments, the dispositive issues are:<sup>1</sup>

1. Under 35 U.S.C. § 103, has the Examiner erred by finding that Caid teaches “grouping . . . the occurrences [of the search term] located in the document into at least one cluster, the grouping being based on relative locations of the occurrences of the search term” as recited in claim 1?
2. Under 35 U.S.C. § 103, has the Examiner erred by finding that Caid teaches “determining . . . a score for the root node based on the scores of the higher level nodes” as recited in claim 31?

## ANALYSIS

### *Issue 1*

On this record, we find that the Examiner erred in rejecting claim 1.

The Examiner finds that

grouping, by a processor of the one or more server devices, the occurrences [of the search term] located in the document into at least one cluster, the grouping being based on relative locations of the occurrences of the search term ([Caid] column 2, lines 55 - 60: “The learning law employs a technique of ‘windowed co-occurrence’ wherein a fixed-size moving window is applied throughout the document, and words within the window (neighbor words) may exert ‘influence’ on neighbor words in accordance with mutual co-importance.”); . . .

Ans. 5 (emphasis omitted); *see also* Ans. 38-45.

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<sup>1</sup> Appellants raise additional arguments. Because the identified issue is dispositive of the appeal, we do not reach the additional arguments.

We agree with Appellants that the cited Caid passage does not teach the disputed claim limitation. *See* App. Br. 14-15. The Examiner does not adequately explain, and we do not see, how the cited Caid passage maps to the recited claim limitation “grouping . . . the occurrences [of the search term] located in the document into at least one cluster, the grouping being based on relative locations of the occurrences of the search term.”

Therefore, we do not sustain the Examiner’s rejection of independent claim 1 and corresponding dependent claims. We also do not sustain the Examiner’s rejection of independent claims 24-26, 30, and 42, each of which recites a similar limitation as claim 1, and corresponding dependent claims.

Accordingly, we do not sustain the Examiner’s rejection of claims 1-17, 24-30, and 42-52.

## *Issue 2*

On this record, we find that the Examiner erred in rejecting claim 31. The Examiner finds that

[Caid] []column 11, lines 11 - 15: “The words, terms, and records may be weighted if desired to designate which are most pertinent to the results being sought. After appropriate weighting, context vectors for the words, terms, and records are combined by addition to produce a single query vector”[];

. . .

**determining . . . a score for the root node based on the scores of the higher level nodes** (column 11, lines 11 -15);

Ans. 20.

We agree with Appellants that the cited Caid passage does not teach the disputed claim limitation. *See* App. Br. 49-51. The Examiner does not

adequately explain, and we do not see, how the cited Caid passage maps to the recited claim limitation determining . . . a score for the root node based on the scores of the higher level nodes.

Therefore, we do not sustain the Examiner's rejection of independent claim 31 and corresponding dependent claims. We also do not sustain the Examiner's rejection of independent claim 41, which recites a similar limitation as claim 31.

Accordingly, we do not sustain the Examiner's rejection of claims 31-41.

#### DECISION

The Examiner's decision rejecting claims 1-17 and 24-52 is reversed.

#### REVERSED

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